



STEVEN L. BESHEAR
GOVERNOR

**TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY HERITAGE COUNCIL**

BOB STEWART
SECRETARY

THE STATE HISTORIC PRESERVATION OFFICE

300 WASHINGTON STREET
FRANKFORT, KENTUCKY 40601
PHONE (502) 564-7005
FAX (502) 564-5820
www.heritage.ky.gov
February 12, 2014

CRAIG A. POTTS
EXECUTIVE DIRECTOR AND
STATE HISTORIC PRESERVATION OFFICER

Commissioner's Secretary
Office of the Secretary
Federal Communications Commission
FCC Headquarters
445 12th Street, SW
Room TW-A325
Washington, D.C. 20554

**RE: Draft Program Comment to Govern Review of Positive Train Control Facilities Under Section 106 of the National Historic Preservation Act
WT Docket No. 13-240**

Dear Commissioner,

Thank you for the opportunity to provide the following comments on the above-listed draft program comment regarding the proposed Positive Train Control (PTC) facilities.

- The Kentucky Heritage Council supports the comments made by others on the NCSHPO conference call (Thursday, February 6, 2014) regarding Attachment B, page 3, where the applicant is required to ask the SHPO within 7 days of submission whether additional information is needed. This should be clarified so that the SHPO's ability to ask for additional information anytime within the 30-day review period is preserved. We also share concerns about the increase in calls this might encourage, not only within the 7-day period specified but afterwards as well. Managing these kinds of communications from consultants for many federal agencies' projects already takes considerable time, which is time that cannot be spent in review. While we appreciate the idea that applicants would be proactive, it would be our preference to see their energy and resources applied toward putting together a solid submission, and responding in a timely fashion when we do need to request additional information.
- Our agency does not participate in E-106. While we are considering whether to begin using in the future, we are not in a position to commit to utilizing it for the PTC submissions. Since PTC submissions would have to be entered into E-106 regardless of whether the SHPO participates in that system, it would be worth considering additional clarification about when the 30-day SHPO review period starts. Our office would consider it to start when the hard copy submission arrives, and not when it is entered into the E-106 system.
- Given the nature of this project, we support the proposed batching of submissions.

Should you have any questions, feel free to contact me at 502.564.7005, extension 115.

Sincerely,

Kary Stackelbeck
Site Protection Program Administrator